

BUREAU OF LAND MANAGEMENT

IMPERIAL SAND DUNES RECREATION AREA

Draft Environmental Impact Statement

Recreation Area Management Plan

PUBLIC HEARING

Phoenix, Arizona

April 15, 2002

7:00 p.m.

Prepared For:

Prepared By:

JIM KOMATINSKY

LORENA K. WAGNER

Certified Court Reporter

(Copy)

No. 50556

3	SPEAKERS	PAGE
4		
5	Sanford Cohen	31
6	Greg Gorman	32, 84
7	Lani Drolet	34
8	Michelle T. Harrington	35
9	Bob Mason	36
10	Brad Jones	37
11	Jeneiene Schaffer	38
12	Chris Seaver	39
13	Jerry Seaver	40

14	Jeri Ferguson	42
15	John Pierson	43
16	Daniel Patterson	44
17	Justin Cornett	45
18	Art Phillips	47
19	Julie Monroe	48, 82
20	Michael A. Lambard Sr.	49
21	Michael Martinez	50
22	Troy Brock	51
23	Joe Bedore	52
24	Sandy Bahr	53
25	Rudy Dankwort	55

1 I N D E X (Continued)

2

3 SPEAKERS PAGE

4

5 John Hogg 56

6 Brigitte Bourget 56

7	Roger Bourget	58
8	Tiffany Bourget	59
9	Jerry Klingensmith	60
10	Cliff Waters	61
11	Cortni Ramirez	62, 81
12	Steve Ware	63
13	Ray Lime Kooler	65
14	Randi Weinstein	66
15	John Hartman	68
16	Justin Smith	69
17	Jim Cunningham	70

18	Karl Skidmore	71
19	Michael Raasch	73
20	Matt Valenzuela	74
21	Arrian Wissel	76
22	Andrew Delage	77
23	Andy Zimmerle	78
24	Bob Fitzpatrick	79
25		

1 BUREAU OF LAND MANAGEMENT

2 IMPERIAL SAND DUNES RECREATION AREA

3

4 Draft Environmental Impact Statement

5 Recreation Area Management Plan

6

7 commenced at 7:00 p.m. on April 15, 2002, at Phoenix

8 College, 1202 West Thomas Road, Phoenix, Arizona, before

9 LORENA K. WAGNER, a Notary Public in and for the County

10 of Maricopa, State of Arizona.

11

12 * * * * *

13

14 A P P E A R A N C E S

15

16 Bureau of Land Management:

17 Lewis Michaelson - Facilitator

18 Linda Hansen

19 Lynnette Elser

20 Geoff Spaulding

21 Neil Hamada

22 Roxie Trost

23 Bob Haggerty

24

25

1 Phoenix, Arizona

April 15, 2002

2 7:14 p.m.

3

4

* * * * *

5

6

PROCEEDINGS

7

8

MR. MICHAELSON: Good evening. May I have

9

your attention, please. This is the public hearing on

10

the Imperial Sand Dunes Recreation Area, Environmental

11

Impact Statement. I appreciate all of you coming out

12

tonight.

13

My name is Lewis Michaelson. I'm going to

14

be the facilitator for tonight. I am not an employee of

15 BLM. I was hired to be the moderator for these meetings.

16 I have no stake in the outcome of these meetings, and I

17 am taking a neutral perspective to whatever your views

18 are.

19 My job is to make sure we conduct this in

20 an orderly and efficient way so that everyone who came

21 here with the purpose of making a comment has a fair

22 opportunity to do that.

23 In case you didn't see them on your way in

24 because they were tucked away behind the tables for

25 registration purposes -- a little bit of housekeeping --

1 the Men's and Women's rooms are behind there on the
2 right. The Men's are on the right, and the Women's are
3 on the left. We probably will not take any breaks or
4 intermissions -- not planned ones anyway, so if you need
5 to avail yourself of those facilities, please feel free
6 to at any time.

7 We also ask that if you have pagers or cell
8 phones that you turn them off now or put them in a
9 vibrate setting so that we won't have any interruptions
10 for the speakers. We know that public speaking does not
11 come easily for some of you, so we want to make sure that
12 there are as few distractions as possible.

13 The purpose of tonight's meeting is to take
14 public comment on two documents that are out for review
15 but in particular the Environmental Impact Statement.

16 We've already had two meetings last week:
17 One in Long Beach and one in El Centro, and there are
18 three more to come after this around the southwest.

19 The purpose of the meeting is to make sure
20 that you also have the opportunity to make written
21 comments, which any of you may make within the prescribed
22 period and can be as lengthy as you care to. There is
23 also an opportunity to address the Bureau of Land
24 Management professionals who were involved in the
25 development of the draft, EIS, in person or face-to-face

1 so that you can express your views to them directly and

2 so that they can hear them first-hand.

3 There is an agenda you should have received

4 when you came in, and it breaks down pretty simple.

5 After we do introductions, there will be a series of

6 presentations, which should go fairly quickly -- 30

7 minutes or less and then the rest of the time is reserved

8 for comments from the public. So that's how we'll

9 conduct ourselves tonight.

10 There are several handouts. One of them is

11 a blue sheet. This is one of the ways in which you can
12 provide written comments or if you've got written
13 comments, you can hand those in. There's actually a box
14 on the table to my left as you came in. And I want to
15 emphasize that written comments are given the same weight
16 as oral comments here tonight. So for whatever reason if
17 you are uncomfortable with public speaking or don't find
18 enough time, there is still the opportunity to put
19 anything else you have to say in writing.

20 There was something else that was held up
21 and offered to people and that was one of these green
22 cards right here. This is the way that I call on people

23 to speak tonight. As they are handed to me in the order

24 that it was turned in, that's the order in which I'll

25 call on people to speak tonight.

1 For those of you who have been absent

2 during the first two meeting -- I know there are some

3 individuals who have -- we have made a slight

4 modification to our ground rules for speaking, and I want

5 you to be aware of that.

6 We have a two-minute limit that we used at

7 each of the two previous meetings. The Bureau of Land

8 Management anticipated, perhaps, a much larger number of

9 people speaking and has adopted a two-minute rule with

10 that in mind. Some people may have more time to say what

11 they want to say. We can be here until ten o'clock. If

12 we have exhausted all the speakers and it is not yet ten

13 o'clock, you'll have another opportunity to fill out

14 another card and come up a second time if you would like

15 to.

16 There is a court reporter here. She's

17 seated to my left. She's a very important person here

18 because that's what gets recorded at this meeting in

19 terms of your comments. And she only records what she

20 can hear and that means that we can only have one person

21 speaking at a time and that needs to be at one of the

22 microphones. Things that are said or called out from the

23 audience will not be recorded, and they just distract.

24 So we ask that you keep that in mind.

25 It's important that we get a good record

1 because that's the purpose of tonight's meeting to get a

2 good recording of the comments offered here this evening.

3 I think that I mentioned this earlier. We

4 have a sign-language interpreter here. If there is

5 anyone who is hearing impaired, we reserved this front

6 row for you to sit in and to have the interpreter sign

7 throughout the meeting. If you would come forward.

8 If you need assistance, please raise your

9 hand now and one of the BLM staff people will help you

10 come down here.

11 Is there anyone in that category?

12 If at any point in time one of your friends

13 comes in and needs that, just let someone on the staff

14 know, and we'll make the appropriate arrangements at that

15 time.

16 With that then, I would like to -- I was

17 going to do introductions. I want to start with Lynette

18 Elser.

19 If you would stand up.

20 She's the NEPA Coordinator for the

21 El Centro BLM office, and she'll be making her first

22 presentation tonight.

23 Geoff Spaulding, if you would stand.

24 He's a contractor for CH2MHILL. They are

25 the contractor who's assisting the Bureau of Land

1 Management in the preparation of the Environmental Impact

2 Statement.

3 Neil Hamada is the Dunes Manager.

4 Roxie Trost is the Resource Chief in the

5 El Centro office.

6 And Bob Haggerty is the law enforcement

7 officer for the El Centro office.

8 With that, I would like to introduce Linda

9 Hansen, the Acting District Manager who is going to give

10 the welcome.

11 MS. HANSEN: Good evening. I am Linda

12 Hanson. I'm the Acting District Manager for the
13 California Desert District of BLM, and I'm very pleased
14 to be here tonight to welcome you to this third meeting
15 regarding the Imperial Sand Dunes Recreation Area and
16 Management Plan.

17 Many of you have been involved with this
18 for several months now or going onto years. Going back
19 to scoping and some of the original meetings that were
20 held, you provided a great deal of input to us. It has
21 been tremendously valuable in helping us develop this
22 document and gather your comments on that draft plan.

23 In those scoping meetings and through your
24 communications with us, you shared how you feel about the
25 dunes. You told us that you wanted a variety of

1 recreational opportunities at the dunes and that you
2 wanted developed areas with facilities and services. You
3 shared with us that you wanted a safe place to go and

4 that you wanted to go with your families. You said you
5 wanted to conserve resources at the dunes and that will
6 allow your children and grandchildren to enjoy those in
7 the years to come. And above all, you've told us and
8 we've heard from all of you how important a place the
9 Imperial Sand Dunes really is and that they mean a great
10 deal to you.

11 So we developed alternatives based on what
12 we heard from you. For example, some of your comments
13 identified Mammoth Wash as an area where you would see
14 more rural and less developed recreational use. So
15 alternatives in this area include non-motorized use to

16 low-intensity motorized recreational use.

17 On the other hand, some of your comments

18 identified the Gecko area, which is a popular area for

19 high-density recreational use. And so alternatives in

20 this plan have also looked at that area and included a

21 more intensive use alternative, so we can look at how

22 that might play out over time.

23 At your suggestion, we included trash and

24 toilet facilities, pay phones, educational opportunities,

25 reservation assistance. And for those of you who have

1 been there in the recent months and especially over the
2 last holiday, you'll notice that we have had an increase
3 in law enforcement there to help you enjoy that
4 experience and that you can safely be doing that.

5 We also developed an adaptive management
6 area to assist in the conservation of environmental
7 species while allowing recreational use in that area.

8 It's been a difficult process to balance the recreational
9 uses and the conservation of the species. We believe
10 that the proposed action in this draft document meets
11 those goals -- or meets three goals.

12 The first goal was to provide a variety of
13 sustainable recreational opportunities and activities.

14 Goal 2 was to maintain conditions of the
15 special status species and other unique and natural and
16 cultural resources which exist in these areas.

17 Goal 3 was to create an environment to
18 promote the health and safety of our visitors, employees,
19 and nearby residents by working with local state and

20 federal agencies and interest groups to make it safer for

21 all of us.

22 Tonight we look forward to hearing your

23 comments on this plan, asking you to share your thoughts

24 and feelings about where we're going with these

25 alternatives. So thank you for being here. I appreciate

1 your participation in this, and I will turn it back over

2 to the moderator.

3 MR. MICHAELSON: Thank you very much.

4 I'd like to go ahead and ask Lynnette Elser

5 to give us our first presentation.

6 MS. ELSER: My name is Lynnette Elser. I'm

7 a NEPA Coordinator for BLM. NEPA stands for the National

8 Environmental Policy Act.

9 When Congress passed a National

10 Environmental Policy Act, they established a process for

11 federal agencies to follow when they wanted to plan a

12 project. I'm going to explain what the NEPA process is

13 to you.

14 When the federal agencies have a project or

15 a plan that they would like to do, they look at how the

16 impacts of that plan could affect the human environment.

17 If the impacts could potentially have a significant

18 impact on the human environment, then they publish a

19 Notice of Intent in the Federal Register, which says that

20 they are going to prepare an Environmental Impact

21 Statement, which is shortened into EIS.

22 The federal agency then goes through a

23 process where they ask the public, "What things do you

24 want considered in this plan? What do you think are the

25 impacts? What are the alternatives that you are

14

1 interested in us looking at?"

2 Many of you participated in the process for

3 the Imperial Sand Dunes.

4 After the scoping process, the federal

5 agency takes all of the information they gleaned from the
6 scoping, and they prepare a Draft Environmental Impact
7 Statement. That draft is turned back over to the public
8 for the public to review and to comment on it.

9 That's the process that we're in with the
10 Imperial Sand Dune. We are now in the public comment
11 period, and you can give us public comments on the draft
12 through June 28, 2002. We'll take all of your draft
13 comments and we'll compile them into a final
14 Environmental Impact Statement and then release it back
15 to you.

16 Thirty days after the final Environmental
17 Impact Statement is released, the public has the
18 opportunity to protest the final Environmental Impact
19 Statement. After the thirty-day protest period, a BLM
20 manager will sign a Record of Decision saying what the
21 project is that BLM will implement for the Imperial Sand
22 Dunes.

23 If a number of the public is unhappy with
24 the Record of Decision for some parts of the Record of
25 Decision, there's an appeal process.

1 If the NEPA process was not followed
2 properly, then there is also the potential that there
3 would be a lawsuit in Federal Court over the NEPA
4 process. It is our hope and goal to implement the Record
5 of Decision by October 2002.

6 There are several ways that you can comment
7 on our draft and Environmental Impact Statement. On the
8 handouts that you have been given, there is an E-mail

9 address where you can send us comments, and there's also
10 a regular mail address. You're also welcome to give us
11 oral comments here at the meeting tonight or to hand in
12 written comments at the meeting tonight.

13 There are two ways that you cannot comment
14 on the Environmental Impact Statement: That is by
15 calling our office and leaving a phone message. We do
16 not have the capability to translate those phone messages
17 into written messages. And also we cannot accept faxes
18 as our fax service would interfere with our regular
19 business operations.

20 When you do comment, there are some types

21 of comments that are more beneficial than others. If you

22 comment, comment on the Environmental Impact Statement

23 rather than on the draft. The Environmental Impact

24 Statement comments will be included formally as a final

25 Environmental Impact Statement along with our response to

1 those comments.

2 Comments on the draft are not included in

3 the final draft. They're considered informally, and

4 there's no written response to how the comments were

5 received and what was done with them.

6 When you do comment, say what you like as

7 well as what you don't like. Sometimes a document is

8 changed and something is removed from it. And after it

9 was finalized, people realized that they never said they

10 liked something, so it was removed. So make sure that

11 you say positive things as well as negative things about

12 the document.

13 Offer alternatives and suggestions.

14 Identify errors and omissions. There is one error that

15 we know in the EIS in the Executive Summary. It does not

16 identify a preferred alternative. That preferred

17 alternative is identified elsewhere in the document.

18 Provide data and information to support

19 your views. It's okay if you wanted to say there are not

20 enough camping on the pads or not enough vehicles allowed

21 on the pads. That comment will be considered.

22 On the other hand, if you say you regularly

23 camp on a certain pad and there's generally a certain

24 number of vehicles on that pad and that's the desirable

25 number of vehicles for that pad, that type of information

1 makes it easier for BLM to revise the document to meet

2 your needs.

3 And lastly, consider all the alternatives

4 when you do provide written comments or oral comments.

5 Sometimes a preferred alternative will change between the
6 Draft EIS and a final EIS. And it can change again
7 between the final EIS and the Record of Decision. So
8 don't lose out on the opportunity to comment on all of
9 the alternatives.

10 Geoff is going to continue with the
11 presentation on the alternatives and the EIS.

12 MR. SPAULDING: As Lynette mentioned, the
13 NEPA process is programmed in a step-wise process. This
14 is the second part of the scoping of the Draft EIS.
15 The first part we solicited your comments,
16 and BLM had conducted its own internal scoping. As a

17 consequence, we identified a range of what we call in the
18 Draft, EIS Issues, Concerns, and Opportunities that can
19 be distilled down into the three goals that Linda told
20 you about earlier.

21 Those goals are to provide a variety of
22 sustainable recreational opportunities in the Imperial
23 Sand Dunes Recreation Area, and they are to maintain or
24 improve the conditions of the special status species and
25 other unique, and natural, and cultural resources there.

1 The third goal is to create an environment

2 to promote the health and safety of visitors, employees,

3 and nearby residents.

4 The alternatives considered in the draft,

5 Environmental Impact Statement, essentially address those

6 goals in different fashions. The Bureau of Land

7 Management under the Federal Land Policy and Management

8 Act is required to provide for balanced and multiple use

9 of federal lands. As a consequence, the alternatives
10 analyzed in detail look at those types of balanced uses.

11 Alternative 1 is called a no-action
12 alternative. That's essentially the preclosure -- the
13 pre 2000 condition -- management condition of the
14 Imperial Sand Dunes Recreation Area.

15 And Alternative 2 through 4 is known as the
16 action alternatives moving forward to create a different
17 type of management environment. Alternative is
18 identified as a preferred alternative and is the
19 identified balance between recreation and resource
20 protection opportunities.

21 Alternative 3 shifts that balance slightly

22 and is analyzed as the resource protection alternative.

23 And Alternative 4 is the motorized

24 recreational opportunities where essentially the balance

25 is shifted mostly toward motorized recreational

2 We also considered a number of alternatives
3 but eliminated them from detailed analysis. They
4 included a hybrid recreational alternative, essentially
5 dividing conceptually, and looking at it from a potential
6 management point of view, dividing the recreation area
7 into areas protected from OHV activity and areas where
8 there could be intensive OHV activity.

9 The current management alternative
10 including the temporary closures is about a year and a
11 half ago and the total closure alternative. Each of
12 these were considered but rejected for detail analysis

13 because they did not address those issues, concerns, and
14 opportunities or they did not meet the stated purpose and
15 need as articulated in the Draft Environmental Impact
16 Statement.

17 The speakers continuing on -- Roxie Trost
18 and Neil Hamada -- will consider in more detail the
19 preferred alternative, which is the Draft Recreation Area
20 and Management Plan.

21 MR. HAMADA: Within the draft and the EIS,
22 the dunes are divided into nine management areas. And if
23 you get a chance, you might look on the side walls.
24 There are some maps identifying those. Each of these

25 management areas will be assigned a classification under

20

1 the Recreation Opportunities Spectrum.

2 The Recreation Opportunities Spectrum is a

3 management tool that's been used by Land Management

4 agencies for over the last 25 years. The Recreation

5 Opportunities Spectrum Guidelines help BLM to focus on

6 the recreational goal.

7 The goal is for visitors to have a good

8 time. The goal for the BLM is to provide opportunities

9 for you to have a satisfying experience. The Recreation

10 Opportunities Spectrum recognizes that factors which make

11 up a satisfying experience vary from person-to-person and

12 that there is a need for a variety of different

13 opportunities.

14 Each of the nine management areas in the

15 dunes have been assigned one of the four classifications

16 on the screen: Rural road, natural semi-primitive

17 motorized, or semi-primitive non-motorized. Each of

18 these classifications have a social, physical and

19 managerial goal.

20 The rural classification will include

21 campgrounds, overlooks, parking lots and camping areas in

22 the Buttercup and Gecko management areas. Approximately

23 30,000 acres would be in this Recreation Opportunities

24 Spectrum class. This is a substantially modified natural

25 environment characterized in the rural classification and

1 the areas modified to enhance overnight camping and doing
2 related recreational activities.

3 Sites and sounds of humans are evident, and

4 the interaction between visitors is moderate to high. A

5 considerable number of facilities are designed for use by

6 a large number of people. Facilities for

7 intensified-motorized use and parking are available.

8 Overnight campsites largely define visitor supply our

9 goal of the Recreation Opportunity Spectrum.

10 Approximately 64,000 acres will be

11 classified as natural. This classification will be

12 primarily in the Glamis area and the washes. These areas

13 have a natural-appearing environment. The facilities are

14 designed and constructed to accommodate

15 conventional-motorized use.

16 Moderate sites and sounds of humans exist,

17 and interaction between visitors is low to moderate.

18 Resource modification is evident but in harmony with the

19 natural environment. Available overnight dispersed

20 camping provides vendor supply for road natural

21 classification opportunities.

22 The BLM will manage approximately 105,000

23 acres in the semi-permanent motorized Recreation

24 Opportunities Spectrum class, which will include the

25 Mammoth Wash area, the buffer zone management area, and

1 the adaptive management area.

2 A semi-permanent motorized area is

3 predominantly a natural or natural-appearing setting of
4 moderate to large size. The resource integrity of the
5 area is very important to the visitor experience, and
6 concentration of visitors is low. But there could be
7 evidence of other users.

8 The Mammoth Wash area will provide
9 overnight camping and days for semi-permanent motorized
10 opportunities. Overnight dispersed camping in the
11 Mammoth Wash area provides the visitor semi-permanent
12 motorized opportunities.

13 Off-highway vehicle riding will be allowed

14 in the buffer zone management area on designated routes,
15 however no camping will be allowed to minimize impacts to
16 vegetation and wildlife.

17 In this particular area, we are concerned
18 about the desert tortoise, a federally-listed threatened
19 species; and the flat-hill horned lizard, a BLM special
20 status species; and California state species is of
21 special concern.

22 The adaptive management area, which is the
23 center of these dunes, will provide a unique world-class
24 day-use opportunity for semi-permanent motorized use.
25 Off-highway vehicle recreation will be allowed by permit

- 1 for day use only. No camping would be allowed to protect
- 2 the woodland habitat on the east side of the sand dunes.
- 3 The BLM is going to manage approximately
- 4 28,000 acres of semi-permanent nonmotorized Recreation
- 5 Opportunities Spectrum.
- 6 Interaction between visitors is low, but

7 there is often evidence of other users. Area management

8 is minimal and subtle on site controls and restrictions.

9 Motorized use is not permitted, and one overnight camping

10 party for every two square miles defines the visitor

11 supply.

12 Each of these management areas, through the

13 Recreation Opportunity Spectrum classes have visitation

14 goals in order to provide the desired social experience,

15 physical setting, and managerial controls.

16 The table on the screen is a simplified

17 version of the one in the Draft Recreation Area

18 Management Plan.

19 In order to maintain the desired setting of

20 each management area, we have assigned a visitor supply

21 goal. Once the number in the right column is exceeded,

22 we will no longer be meeting the Recreation Opportunity

23 Spectrum class objectives. As you can see, the maximum

24 number or the maximum visitation goal for the entire dune

25 is 55,403 in the bottom right corner.

1 For reference, if you were out at the dunes

2 over Easter, that was just about the number we had.

3 There was about 55,000 people on Easter.

4 If we exceed the visitor supply goal, which

5 is 37 days, 15 percent of the days during one season, we

6 will conduct resource and social surveys, promote

7 nonholiday visitation, and evaluate the feasibility of a

8 reservation system, differential fees, and enhanced

9 education.

10 If we exceed the goal for 49 days or 20

11 percent of the days in one season or by 15 percent of the
12 days for two consecutive seasons, we'll also set up a
13 reservation system for 50 percent of the designated
14 campsites and limit the number of visitors in the dunes.

15 The 55,403 goal was reached with the
16 understanding that this was a goal for nonholiday
17 weekends. We know that we are going to exceed 55,000
18 during most of the winter holidays, however our current
19 visitation may exceed the goal of approximately 22 days
20 per year. That's 15 days less than the first trigger
21 point, which is 37 days.

22 One of the issues that's been brought up in

23 some of the past meetings is that there was no recent

24 component for the triggers, and we recognize this. It

25 will be addressed in the final EIS and Recreation Area

25

1 Management Plan.

2 And now I would like to introduce Roxie,

3 and she's going to explain the adaptive management area.

4 MS. TROST: Thank you.

5 This dark area right here is the adaptive

6 management area, and it equals approximately 34,000

7 acres.

8 According to Webster, the word "adaptive"

9 means to adapt or become adjusted to new conditions.

10 As new information is received, both

11 biological and visitor-use data adjustments will be made

12 both up and down to a number of visitors that will be

13 able to accommodate this area.

14 Part of the make up of this adaptive

15 management area is configuration and was done by the
16 assistance of a very diverse scientific team. And one of
17 their goals was that this was a Recreation Area
18 Management Plan, which are sensitive species and is
19 listed as threatened. Its main habitat is through the
20 center of the dunes.

21 Their goal was to ensure that an east-west
22 corridor be maintained in that area to provide for
23 migration of all species. Some of the main management
24 actions of the adaptive management area are listed on the
25 screen for you. But the main one is that it provide for

1 525 visitors at one-time and is not to exceed that

2 number.

3 That also calculates into 75 permits or 75

4 groups of seven. The way we came up with that number was

5 based a lot on your input and our personal observation

6 that many of the users like to go into this area in a

7 group.

8 This was to ensure that if you were able to

9 obtain a permit in this area that you would be allowed to

10 visit it with your neighbor or your friend. At the same

11 time, if only one person was to use the permit, there may

12 only be 75 permits issued at that time. A permit would

13 be valid for seven consecutive days, meaning if you

14 obtain your permit on a Sunday, it would be valid until

15 the following Saturday.

16 Another component is that this area would

17 require the completion of an environmental educational

18 program. This program would be available on site both in

19 the north and in the south dunes. A permit would be
20 valid from sunrise until sunset, and the number would be
21 adaptive according to the results of the prior year's
22 monitoring. That means that the number could be
23 adjusted -- both increased or decreased -- based on the
24 monitoring.

25 Now, I'd like to introduce Bob Haggerty who

1 will be reviewing the law enforcement and public safety

2 component addressed in the draft plan.

3 Thank you.

4 MR. HAGGERTY: I'm the last one.

5 I just have a few points to cover. The

6 first one is that we created and maintain a dependable

7 radio station for law enforcement and emergency medical

8 services. We've been working on this last season and

9 have developed what we feel is a reliable and feasible

10 system and so we ought to make it permanent in this plan.

11 The next three items increase law
12 enforcement staff on nonholiday weekends, the ban of
13 alcoholic beverages outside the designated camping areas,
14 and the sundown to sunup closure. And the reopening
15 would be subject to the discretion of the BLM.

16 All of these were designed to be used
17 independently or as a group together to reduce the more
18 serious problems that the dunes face.

19 This concludes our formal presentation.

20 And I'd like to hand the meeting back over to Lewis
21 Michaelson.

22 MR. MICHAELSON: Thank you.

23 Can we bring the lights back up?

24 I'd like the speaker panelists to please

25 come on stage.

28

1 Thank you very much for your kind attention

2 during that presentation.

3 Although 250 of the documents were sent out

4 at the beginning of this process, we know all of you may
5 not have had an opportunity to review the documents in
6 detail. They are available on the Bureau of Land
7 Management website if you do not have a personal copy and
8 would like to take a closer look at them.

9 Everyone who filled out one of these green
10 cards to speak to tonight has attached to it the ground
11 rules for speakers, and I'd like to go over those.

12 Again, I want to remind you that the
13 purpose of this meeting is to provide additional
14 opportunity in addition to the written comments where you
15 provide oral comments, say, directly or face-to-face to

16 the Bureau of Land Management staff that are involved in

17 the EIS. Therefore, we ask that you come up to this

18 podium because that's who you are speaking to.

19 This is not going to be a

20 question-and-answer-type format. I mentioned before what

21 the time limits are.

22 This will be the first meeting in which we

23 are employing the second-helping rule which will allow

24 you a second chance to speak after your first two

25 minutes. So please respect the time limit.

1 And in order to make it comfortable for you

2 to wrap up your comments, when the first minute and a

3 half is done, I'll hold up this yellow card which says 30

4 seconds. I'm a little bit off to your left, so if you

5 would -- as you are looking forward -- glance my way. I

6 don't want you to miss my sign and then I have to cut you

7 off.

8 The next rule is please respect other
9 people's comments and points of view. The reason you are
10 all here is because something very important to you is at
11 stake, and we know that you're not going to agree with
12 everything that's going to be said tonight. And we ask
13 that you refrain from expressions -- negative
14 expressions.

15 And in particular during that person's two
16 minutes, we need to have no interruptions or
17 distractions. If after they finish their two minutes you
18 heard something that you like and you feel inclined to
19 clap, that's fine.

20 We're not trying to eliminate all
21 expressions, but it's very important to get this on the
22 record for the court reporter and so we can't have any
23 distractions during the two minutes.

24 After we exhausted the first time speakers,
25 we'll ask you to fill out another card if you're

1 interested in coming back. And that second turn will

2 allow you up to five minutes to speak.

3 Please be aware that your time isn't

4 transferrable and if you would please address your

5 comments toward the issues.

6 I think that Lynette did an excellent job.

7 I have moderated, for the last 15 years, many of these

8 meetings on just about any of these issues across the

9 country. That's one of the better explanations I've

10 heard helping you understand what kinds of comments are

11 going to be most relevant.

12 In the last meeting, the comments have been
13 very focused and very relevant. People have not just
14 repeated what everybody else has said. They covered new
15 ground. It's not the number of times you say something
16 nearly as much as the breadth of comments that you are
17 able to provide. So with that in mind, we hope this is
18 as friendly and open an atmosphere as we can make it.

19 Also to my right -- to your left, there are
20 five chairs in this front row. This is the
21 speaker-waiting area.

22 One thing that will facilitate our ability
23 to keep the speakers moving through is I will read ahead

24 the next five speakers and then if you would make your

25 way down into that seating area over there, then as I

31

1 call your names, it will be a short little walk from

2 there to there instead of having to come all the way

3 down.

4 With that, I would like to read the names

5 of the first five people who have turned in cards to
6 speak. And I apologize in advance if I mispronounce
7 anyone's name. And if I ask you, please spell your name
8 for the court reporter in case it's not clear from the
9 card.

10 The first people will be Sanford Cohen
11 followed by Greg Gorman, Lani Drolet, Michelle
12 Harrington, and Bob Mason.

13 Will you please come down to these seats
14 right here except for the first speaker. And remember to
15 occasionally look my way.

16 Sanford Cohen is the first speaker.

17 And state your name for the court reporter.

18 MR. COHEN: Thank you.

19 I'm Sanford Cohen, president of the

20 Prescott Open Trails Association and a member of the

21 Resources Advisory Committee here in Arizona or RAP.

22 We recognize that the efforts you made here

23 to try to come up with a balanced plan means making some

24 choices. And some of the choices we like, and some of

25 them we don't like. And I know the necessary component

1 is that not everybody gets 100 percent of what they want.

2 But this is an OHV area, and it means as

3 much to all the motorized people here as it would if we

4 were baseball players and someone wanted to take all the

5 baseball diamonds away. That's how we feel about it.

6 As far as the EIS is concerned, there's a

7 number of parts of a plan that I think we could consider.

8 For instance, the idea of the sundown to

9 sunup closure of some of the more popular areas. I think

10 probably on holiday weekends -- in order to mitigate the

11 negative consequences -- we can consider ten p.m. to six

12 a.m. as a reasonable compromise. But one of the great

13 opportunities of the Imperial Sand Dunes is to be able to

14 ride at night and especially to be in Competition Hill or

15 Test Hill for at least a portion of the evening would be

16 a necessary component. So there is a possibility of some

17 give or take there.

18 Certainly the adaptive management plan has

19 a lot of concerns with regard to the limiting of use and

20 so forth. But I think overall you've taken a very

21 balanced approach and that the preferred alternative is

22 one that, with these modifications, we can support.

23 Thank you.

24 MR. MICHAELSON: Thank you, Mr. Cohen.

25 MR. GORMAN: My name is Greg Gorman, and

1 I'm with the American Sands Association. I'm the

2 National Media Relations Director.

3 My wife and my kids enjoyed the dunes about

4 a years ago, and we had a really good time.

5 I've got several specific comments and a

6 whole book of others. The first one is: I'm pleased of

7 the preclosure. I think that makes sense.

8 Chapter 2, Page 7: The area has

9 historically been slightly used so that the permit system

10 seems to be a bit challenging. I think it's going to be

11 difficult to enforce.

12 The management actions that you have on the

13 draft that referred to the EIS 2-5 -- I'll be glad to

14 help. Those are Actions 14, 16 and 17 area wise.

15 Appendix C: I'd like to see a little bit

16 of discussion on how the vehicle weights and horsepower

17 were discovered or how you came up with those plans

18 because I think 1,000 pounds unloaded for four-wheel

19 vehicles might be on the heavy side.

20 And the last one is the economic impact of

21 the EIS. Many of us own motor homes, trailers, and

22 vehicles. I know a person who spent three or \$400 on

23 groceries and fuel on her way out.

24 Thank you very much.

25 MR. MICHAELSON: Thank you, Mr. Gorman.

34

1 MS. DROLET: Hello, panel.

2 My name is Lani Drolet, D-r-o-l-e-t. And

3 I've worked as a wildlife rehabilitator for over ten

4 years as a fund-raiser, educator, transporter, and bird

5 rehabilitator.

6 Terror is defined as violence committed by

7 groups in order to intimidate a population or government

8 in granting their demands.

9 Terror, to me, is an outrage. The lawful

10 desecration of public lands by off-highway vehicles is an

11 outrage. It sacrifices the natural beauty into rural

12 ghettos of impoverishment. Assault by 2,000 snowmobilers

13 a day, to me, is a crime against the planet. It is

14 government-sanctioned degradation against its own

15 employees shown on the evening news, wearing gas masks

16 because the air is so polluted they cannot function

17 without them.

18 It's government-sanctioned disruption of

19 the few remaining bison in the nation. Over 50 million

20 buffalo have been reduced to a fraction of that number,

21 and the snowmobilers are deliberately and literally

22 running buffalo off the trails causing them to expend

23 more energy than they can afford.

24 Off-road vehicles may be legal, but the

25 price being paid by the environment is exorbitant. When

1 a government entity -- either local or federal --

2 demonstrates an abundance of ego, it becomes just another

3 playground bully.

4 The predominant landscape in the southwest

5 is becoming paved with plastic and pollution. Our

6 national heritage is our national treasure. As we

7 protect the native wildlife, they would reward us with

8 their presence.

9 MR. MICHAELSON: Your time is up.

10 MS. DROLET: Thank you.

11 MR. MICHAELSON: Michelle Harrington.

12 MS. HARRINGTON: Michelle Harrington,

13 Phoenix.

14 I do not support any of your EIS

15 alternatives.

16 The current negotiated plan is the most

17 balanced approach. As biologists and resource managers,

18 you know the landscape of the dunes is fragile. There's

19 a stark contrast between areas where OHVs are allowed to

20 where they're prohibited. You can't open up these

21 sensitive areas without adequate proposals and proper
22 management. Where you wish to preserve the desert
23 ecosystem, OHVs must remain banned. Limited areas will
24 not work.

25 With the dunes in mind, BLM is mandated to

1 protect diverse habitat and wildlife. I'm an avid hiker

2 and outdoor recreationist. I like knowing that
3 sufficient acreage is set aside for the protection and
4 recovery of the species.

5 Please draft a new plan that offers current
6 balanced-land management as an alternative.

7 Thank you.

8 MR. MICHAELSON: Bob Mason.

9 MR. MASON: My name is Bob Mason, and I'm a
10 member of the board of directors of the American Sand
11 Association. And I want to thank you for this
12 opportunity tonight.

13 The draft of the EIS is complex and not
14 easily understood. The stewards must take time to become
15 informed and submit their comments before the due date of
16 June 28th. That's very important.

17 The BLM planning process has also
18 recognized that OHV activity is something that needs to
19 be planned for long into the future and for the 15 years
20 of this plan.

21 There are some things, however, that we're
22 concerned about. The plan does not acknowledge the
23 cultural changes that are going on in our society today
24 which are contributing to the lawless behavior that goes

25 on at the zoos. The planning process paints the duners

37

1 or OHV visitors with the same brush and doesn't

2 acknowledge that the bad actors are in the same minority.

3 The process, which has been described

4 tonight, reaches conclusions that are based on

5 insufficient data, inconsistent information, and bad

6 math. The ban on alcohol and the curfews were included

7 without consideration of all alternatives being

8 documented in the EIS and therefore are not available for

9 public comment.

10 Enforcement of existing rules should take

11 the priority before any new rules are put on the books.

12 What can duners do to help BLM in

13 developing this plan?

14 They can ask for a copy of the plan here

15 tonight.

16 Thank you.

17 MR. JONES: My name is Brad Jones, and I'm

18 the president of Arizona State Association of

19 four-wheel-drive vehicles.

20 I will be very general in comments. The

21 second alternative is an excellent start on the

22 management plan as a result of the response to the EIS.

23 I commend you on it.

24 Another thing is: I would like to say

25 thank you to BLM for the opportunity to speak here in

1 Phoenix. The fact that you have meetings here in Phoenix

2 shows that you are reaching out to your public.

3 The other thing that is restoring my faith

4 in government is your realization that these plans, as a

5 result of EIS, with the closure was temporary.

6 The use of a real scientist, in order to

7 arrive at this, is excellent.

8 Thank you very much.

9 It looks like the segregation and control

10 of camping, the buffer zones, the enforcement of the
11 alcohol, and also the control over camping areas -- all
12 of these things seem to be reasonable things to control
13 the area and to make the experience in that area a
14 world-class motorized recreational experience good for
15 our families.

16 I guess the only concern I have is the
17 administration of the adaptive area. It's just a problem
18 that has to be worked out.

19 Thank you very much.

20 MR. MICHAELSON: Jeneiene Schaffer.

21 MS. SCHAFFER: I support none of the BLM

22 alternatives. I demand that BLM draft a new plan and

23 that it also continue with the current management plan as

24 an alternative.

25 The current management plan is, in fact, a

1 balanced-management-compromised plan. This plan

2 provides -- half -- for the conservation plan and the
3 other half for off-road vehicles. The deal was
4 negotiated and signed by conservationists, BLM, and five
5 big off-road groups.

6 The most popular camping areas and off-road
7 sites have not been closed. The BLM's preferred
8 alternative is the extreme give away to the off-road
9 industry and ignoring the national mandate and national
10 public opinion to protect our national resources.

11 Thank you.

12 MR. MICHAELSON: Chris Seaver.

13 MS. SEAVER: Good evening. My name is

14 Chris Seaver, S-e-a-v-e-r. Thank you for the opportunity
15 to provide you with these comments.

16 In the preferred alternative, some of the
17 negative OHV impacts -- if approved as written -- would
18 limit access to OHV usage to 55,403 visitors today if the
19 triggers were hit. There are no provisions to reset
20 these triggers, and these capacity limits would run the
21 life of the draft. This needs to be corrected.

22 In the draft of the EIS, it states that if
23 a Stage 2 smog alert is triggered, all the OHV travel
24 will be terminated until the smog alert is lifted. It

25 isn't reasonable and this needs to be corrected.

40

1 In the proposes to collect fees in all
2 areas of the dunes based on demand and cost recovery,
3 this would discriminate against low-income families. If
4 user demand goes down, the fee goes up resulting in an
5 even lower demand. This is self-defeating and does not

6 meet BLM's objective to maintain acceptable OHV

7 recreation activity.

8 Thank you.

9 And let me say one other thing. I'm not a

10 bully. I don't believe you're a bully. These are public

11 lands for multiple use.

12 Thank you.

13 MR. MICHAELSON: Jerry Seaver.

14 MR. SEAYER: My name is Jerry Seaver. I'm

15 president of the American Sand Association and thank you

16 for coming to Phoenix and having this meeting.

17 I would like to talk about the process that

18 is going on and how it works. Correct me if I'm wrong,

19 but the draft is not being presented to us to vote on.

20 We're not being asked to vote on which alternative we

21 like best or which one would work best. We are being

22 asked to review the draft of both of these documents and

23 point out any mistakes.

24 We are also being asked to point out any

25 conclusions that are derived from the EIS draft that are

1 in the Preferred Alternative No. 2 that aren't true.

2 The BLM is also giving us the opportunity

3 to give them input on what we think is the preferred

4 alternative. That's the one they have picked to be the

5 management plan for the Imperial Sand Dunes.

6 After the BLM receive our comments, they

7 will give consideration to what we have said. Whether

8 they think it has strong enough merits to change things

9 in the final plan is their choice. That's why we need to

10 express not only our opinion but also why we like what
11 you have come up with or the opposite -- what you have in
12 the preferred plan doesn't make sense and why.

13 If we feel our comments have merit, we need
14 to address them for the draft to become part of the
15 record. There's a good chance this plan will be legally
16 challenged, and it's important that we have our comments
17 on record pointing out the mistakes.

18 There are fliers being handed out that give
19 us the dates and places where the meetings will be held.
20 These meetings are important to attend for discussion and
21 to learn how to fill out a comment form so it can become

22 part of the record in the final EIS. This vital plan

23 will be the controlling document for the next 15 years at

24 the dunes.

25 Thank you.

1 MR. MICHAELSON: Jeri Ferguson.

2 MS. FERGUSON: My name is Jeri Ferguson. I

3 represent the California Association of Four-wheel Drive

4 Clubs.

5 Tonight my comments are going to be

6 directed to the status of the lawsuit. During the

7 negotiated settlement, we agreed to a temporary closure

8 not specifically for protection of the species but

9 because the alternative was total closure. We knew that

10 in time that we would be able to comment on the temporary

11 closures. So I want to make that perfectly clear that it

12 was not a coalition of environmentalists and OHV groups

13 that got together and agreed to this. We agreed to it

14 because we were backed into a corner.

15 The second thing I'd like to throw out at

16 you is it seems to be there's a lot of misconception of

17 the use of public land. Since 1994, we had most of our

18 land made into wilderness and protected. It seems that

19 there needs to be some type of educational program so

20 that people know that there is solitude and quiet areas

21 including the north Algodones Dunes.

22 I'd be more than happy to help you prepare

23 brochures so that they can know where they can recreate.

24 Thank you.

25 MR. MICHAELSON: John Pierson.

1 MR. PIERSON: My name is John Pierson,
2 P-i-e-r-s-o-n. I am a certified technician in the
3 industry for 20 years, RV business owner for 16 years,
4 and now a corporate trainer for five years for
5 Progressive Insurance Company, one of the largest
6 insurance companies and No. 1 in the leading companies in

7 the United States, ensuring motorcycles and OHVs.

8 I have been an annual duner of the Imperial

9 Sand Dunes for 25 years. I have recreationed there with

10 my family. I've raised my kids there. Recreational

11 vehicles are a vital part in the duning and off-road

12 community, covering a broad spectrum of recreational

13 vehicles from tent trailers, vehicles ranging from a

14 \$1,000 to \$600,000, and not to mention the

15 custom-enclosed trailers.

16 The EIS does not accurately reflect the

17 social economic impact of these areas of recreation usage

18 to the local and broad communities.

19 The capital investment made by the off-road

20 community that recreate at the Imperial Sand Dunes

21 Recreation Area is not represented in the EIS. The

22 analysis is very weak and skewed at best. I would

23 suggest revisiting this issue with a much broader

24 evaluation to get a more consistent analysis based on the

25 thousands of recreational users of the Yuma and Imperial

1 Recreational Area.

2 We need a more thorough and complete impact
3 statement. The economic impact of these issues related

4 to RV sales, trucks, and trailer sales, services, parts,

5 suppliers, fuel, food, and of course insurance companies

6 has not been considered or has been ignored in the EIS.

7 This is a serious and significant omission.

8 Thank you.

9 MR. MICHAELSON: Daniel Patterson.

10 MR. PATTERSON: We do not support any of

11 these BLM alternatives. In fact, we are appalled with

12 the fact that BLM has not even considered a current
13 fifty-fifty balance land-use scheme as one of their
14 alternatives. We think it's a flat-out violation of NEPA
15 and a flat-out violation to consider a reasonable range
16 of alternatives.

17 There's no scientific basis to reopen these
18 dunes. We're advocating the conservative approach to
19 protecting these dunes, while BLM's plan is an unlicensed
20 approach which would end the dune's conservation.

21 BLM's so-called adaptive management plan
22 would never work on the ground.

23 Anybody that has ever spent any time out

24 there can just imagine yourself as a ranger standing out

25 there wondering "Is there 525 people out there? Is there

45

1 5,000. Do they have permits? Do they not?"

2 It will never work. It's a scam, and it

3 should be taken out. And those areas should remain

4 closed and protected. Protection of the wilderness areas

5 is not enough.

6 And with that, I'm going to read something

7 I just read tonight. It has to do with the EIS.

8 It's the big sand. It's the Algodones.

9 It's public land. The off-roaders -- you don't own this.

10 It's to be conserved in common by BLM for future

11 generations -- not all trashed and abused by off-road

12 recreation. A fair deal's in place, but the off-road

13 industry wants it all. But it won't happen because the

14 bigger they are, the harder they fall.

15 MR. MICHAELSON: Mr. Cornett, before you

16 start, I'd like to talk to the audience.

17 We were doing really well up to that point

18 in terms of avoiding the negative expressions. I haven't

19 had any problem with the cheering when you hear something

20 you liked but going back to the basic rule, we knew you

21 were going to hear things that you didn't like. But if

22 you could please remain respectful for all speakers, I

23 would appreciate it.

24 Mr. Cornett?

25 MR. CORNETT: I'm just going to make this

1 really short, so I'm going to get down to basics.

2 I think this is a big waste of time. I

3 came to the last one, and I can't say that I'm surprised

4 that something like this is being brought up especially

5 by an agency, the BLM.

6 I believe the plan right now is more than

7 balanced and fair. Over half of it is protected, and

8 half of it is being used for OHV use. I think it's a

9 little bit too generous personally when you get down to

10 logistics and how impractical it seems to be.

11 But just the whole concept, I think, is

12 pretty pathetic. The dunes have a really neat ecosystem,

13 and it's inhabited by a bunch of plants and animals that

14 call that home. And I just take a look at that. It

15 should be treated and respected like a home.

16 And I know that these people like to do

17 their thing and whatnot. I try to hold respect from

18 where they're coming from because I just think that's no

19 excuse.

20 Plus, everyone just needs to realize the
21 importance of this and wake up. I think we need to take
22 that into consideration, and I think we should wrap this
23 up in a good and fair way.

24 So that's all I have to say. Thank you.

25 MR. MICHAELSON: Art Phillips.

1 MR. PHILLIPS: Good evening. My name is

2 Art Phillips. I'm a professional botanist. I've worked

3 in Arizona for more than 30 years, and I have a Ph.D. in

4 botany and scientology from the University of Arizona.

5 About a year ago, I was contacted by some

6 groups that were interested in the plants of the sand

7 dunes to work on a project which was funded by the

8 American Sand Association to consider the special status

9 plants for the Algodones Dunes and to basically attempt

10 to take an objective look at what was going on out there.

11 I worked on endangered species problems in

12 the southwest for almost 25 years. I was rather
13 surprised at what I found. In spite of the use out there
14 last year, we counted 72,000 plants. Last year was a
15 year of explosive germination where lots of plants grew
16 and lots of plants thrived. They flowered and set seed.

17 In spite of the many things that's been
18 said about conservation, there's very little data of the
19 effects vehicles have upon plants. And I must say that
20 we've attempted to gather some. It's rudimentary and
21 preliminary. But of those 72,000 plants that we counted
22 last year, less than one percent -- that is less than
23 700 -- showed any effects -- any ill effects of off-road

24 vehicles. And that's 72,000 plants.

25 I think that the preferred alternative

48

1 probably strikes the best balance between off-road use,

2 between recreational use, and conservation. I think the

3 limits that have been set on usage in that central area

4 are probably political, but I think your time is

5 necessary.

6 Thank you.

7 MR. MICHAELSON: I'm going to read the next

8 five speakers: Michael Lambard Senior, I believe it is.

9 Michael Martinez, Troy Brock, Joe Bedore, and Sandy Bahr.

10 MS. MONROE: Good evening. My name is

11 Julie Monroe. I'm an avid duner and a membership

12 director for the American Sand Association here in the

13 State of Arizona.

14 Upon sudden studying the EIS over the last

15 several weeks, I have found many areas of concern both in

16 assumptions made by the BLM and in the implementation of
17 new regulations that have been suggested for the Imperial
18 Sand Dunes Recreation Area.

19 I will be submitting all those concerns in
20 writing but wanted to touch tonight the issues I find
21 especially troubling, which are the concerns and issues
22 of alleged lawlessness by visitors.

23 In the DEIS, Chapter 4, Page 26 proposes a
24 ban on alcohol outside the camping areas. I believe that
25 the continuance of the zero tolerance policies

1 implemented by the BLM at the beginning of this year has
 2 already started to positively affect these issues.

3 I also believe that it's the BLM policy in
 4 the past that if they would enforce the laws that were
 5 already on the book, the situation would never have
 6 progressed.

7 Now that the programs are in place and laws
 8 are being enforced, we are seeing positive changes

9 occurring that are evident in the press release just this

10 past Easter weekend.

11 As the BLM is well aware per Chapter 4,

12 Page 26, these problems are not caused by the majority of

13 the users but only a small group. And as such, the

14 majority of the users should not be unjustly penalized.

15 If the law enforcement resources are available to enforce

16 the alcohol and a state-mandated closure at night, they

17 could just as well enforce the laws that already exist.

18 This would then leave these areas open to the visitors to

19 allow them to recreate at the dunes.

20 Thank you.

21 MR. MICHAELSON: Sir, if you would spell

22 your last name.

23 MR. LAMBARD: Michael Lambard,

24 L-a-m-b-a-r-d, Senior.

25 Thank you for the opportunity to provide my

2 The proposed alcohol ban -- what other

3 alternatives have been considered?

4 Please enforce existing rules and laws

5 regarding alcohol consumption.

6 Thank you very much.

7 MR. MICHAELSON: Thank you.

8 Michael Martinez.

9 MR. MARTINEZ: My name is Michael Martinez,

10 M-a-r-t-i-n-e-z.

11 Thank you for the opportunity to provide my

12 comments.

13 The plan proposed to limit venders to
14 weekends only -- on weekdays, the venders are many times
15 the only contact with emergency services. The supplies
16 they provide are essential to a successful recreation
17 experience at the dunes. We need weekday vending
18 services.

19 I've been going to the dunes ever since I
20 was born for 28 years. My family has been taking me
21 every year since I can remember, and I've now got a
22 one-year-old son who I've been taking since he's been
23 born. And there's nothing more proud than to see him
24 enjoy it as well as I have over the years.

25 Keep it open for many other children to

51

1 enjoy.

2 Thank you.

3 MR. MICHAELSON: Troy Brock.

4 MR. BROCK: Thank you for taking time to

5 listen to all of our comments.

6 EIS -- Chapter 2, Page 6, Vender Services:

7 My concerns center around the vender services to weekends

8 only.

9 I work most weekends, and I enjoy the dunes

10 Wednesday through Friday. And there were two times where

11 I needed the vendors in the desert. One time I broke

12 down but was able to get back out and ride for the rest

13 of my two days.

14 But more importantly, I had actually broke

15 down in the middle of the desert. I had to wait around

16 for vender services, but nobody came around. So I had to

17 go to the vender alley, and one of them was actually nice

18 enough to actually bring his truck and myself to my

19 four-wheeler. And he towed it back home for me.

20 I did not find anyone. I was alone. I

21 just moved here, so it was a fairly distressing time out

22 there in the desert. And this vender basically closed

23 shop and helped me out. Had he not been there during

24 that Wednesday, I don't know exactly what I would have

25 done that day. I was very thankful for that, and that's

1 really all I have to say about the vendors.

2 Thank you very much.

3 MR. MICHAELSON: Joe Bedore.

4 MR. BEDORE: Joe Bedore, B-e-d-o-r-e.

5 My name is Joe Bedore, and I'm the owner

6 and operator of Sand Custom Buggies. My business caters

7 to the dune public with a large array of services. My

8 company has been doing business outside Yuma County for

9 the past 21 years. I have many subcontractors that I

10 contract a lot of my work out that supplies a lot of

11 people with income.

12 I don't believe the EIS has accurately

13 reflected the socioeconomics of this company and, more

14 specifically, companies like mine.

15 Nearly all the components used to build

16 these expensive oil vehicles are manufactured in this

17 county, and any products purchased outside this county

18 come from Californian counties. In fact, I get products

19 from all over the United States that are used to build

20 these vehicles so that people can recreate.

21 The economic impact on RVs, trucks, and

22 trailer sales has not been considered but has been

23 intentionally ignored from the Draft EIS. This is

24 serious and a significant omission.

25 I've sold over 60 sand vehicles in the past

1 six months along with thousands of dollars in additional

2 parts and labor. This has been my business and has
3 increased over 300 percent in the last three years.
4 That's because people are coming in from all over the
5 northeast to enjoy our fantastic recreational activities,
6 including the Imperial Sand Dunes.

7 I have been a conservationist for as long
8 as I possibly can remember. I do believe that the more
9 we keep them open, the less of an impact will show
10 because if you spread it out, there's a lot more damage
11 to be done.

12 Thank you.

13 MR. MICHAELSON: Sandy Bahr.

14 MS. BAHR: Thank you for the opportunity to

15 address you.

16 My name is Sandy Bahr, B-a-h-r. And I'm

17 here this evening on behalf of the Grand Canyon Chapter

18 of more than 12,000 members here in Arizona.

19 I won't -- I'll keep any comments brief

20 because we'll be submitting more detailed written

21 comments.

22 But I did want to let you know that we did

23 find the draft and the alternatives offered totally

24 unacceptable. Not one of the alternatives offers a

25 balanced management of the Imperial Sand Dunes Recreation

1 Area.

2 The fact that BLM failed to even offer the

3 current management scheme as one of the alternatives

4 makes me question its validity and question its

5 compliance with the National Environmental Policy Act as

6 well.

7 We fail to understand in the alternatives

8 why you would close an area to camping and then keep it

9 open to vehicles when you're concerned about protecting

10 particular species. It seems like the biggest threat --

11 instead of to desert tortoises -- are vehicles. That

12 doesn't make sense.

13 Rather than multiple uses, this proposal

14 promotes significant abuse. It really promotes RV abuse

15 at the expense of everything else.

16 We fail to see also how BLM is going to

17 enforce any of it especially in the limited use area.

18 You may have a multiple use mandate, but
19 that does not allow you to advocate your responsibility
20 to protect living resources and to protect endangered
21 species. The endangered Species Act is still a law of
22 the United States, and you as a federal agency must abide
23 by it.

24 We urge you to base your decisions about
25 this area more on biological science and less on

1 political science.

2 Thank you very much.

3 MR. MICHAELSON: Rudy Dankwort.

4 MR. DANKWORT: Rudy Dankwort,

5 D-a-n-k-w-o-r-t.

6 There are two things about the EIS that

7 greatly disturb me. In fact, the first one is that we

8 have a plan in place, and we've given it only about a

9 year to come to conclusion. That's not enough time to

10 decide whether there is a threat to animals like the

11 tortoise.

12 And the other thing that bothers me about

13 it is that apparently the report was really funded by an

14 adversary group. It was funded by the people who want to

15 increase off-road activity. And anybody knows that if

16 you fund a report, you're going to come up with the

17 results that you want. There's nobody stupid enough to

18 believe that. I'm appalled that you would act on a

19 report funded by one of the adversary groups.

20 Other than that, I guess I would just have

21 to add that it's necessary for you to revisit the EIS

22 altogether and in the meantime do the intelligent thing

23 and keep the temporary agreement in place.

24 I think it will take up to ten years to

25 determine whether these plants and animals are

1 threatened. So I urge you to rewrite the EIS.

2 Thank you very much.

3 MR. MICHAELSON: John Hogg.

4 MR. HOGG: John Hogg, H-o-g-g.

5 I'm a member of the American Sand

6 Association.

7 Thank you for giving me the opportunity to

8 provide my comments to you.

9 The plan acknowledges a need to improve

10 public safety. BLM must include a plan for managing the

11 dunes before any major accident occurs.

12 Thank you.

13 MR. MICHAELSON: Brigitte Bourget.

14 MS. BOURGET: Brigitte, B-r-i-g-i-t-t-e.

15 Bourget, B-o-u-r-g-e-t.

16 I'm a member of the American Sand
17 Association, and I'm also vice president of Bourget's

18 Bike Works. That's a company that builds off-road sand

19 cars and employs about 50 people. So the effect that

20 this plan would have on my company and my employees is

21 detrimental.

22 I appreciate the fact that the Bureau of

23 Land Management is trying to come up with a plan that is

24 suitable for everybody. I don't think we're there yet.

25 I am 32 years. I've been going to the

1 dunes with my family since I was 12, and I now have a
2 family of my own who I take out there: My brother-in-law
3 and their kids, my brother's -- or my husband's brother
4 and their kids. It's very family oriented. We have big
5 groups that all camp together.

6 My kids are not committing crimes or
7 getting into trouble. They are not hanging out at the

8 malls or vegging out in front of the TV. We actually get
9 to share three meals a day together when we're out at the
10 dunes. That's something that most families don't get to
11 do very often anymore.

12 After the events that happened on
13 September 11th, we've been urged to be united and help
14 our economy get back on its feet. And that's something
15 that people go out to the dunes to do.

16 Our economy is good because people are
17 spending money. They're taking their families out to the
18 dunes. This plan is going to inhibit that.

19 Also the dunes are being reduced to 55,000
20 people being able to be out there. That's going to limit
21 the number of people that are out there. This is an
22 activity that families of any income level can enjoy with
23 each other, and I think the plan is going to inhibit
24 that.
25 Thank you.

1 MR. MICHAELSON: Roger Bourget.

2 MR. BOURGET: Roger Bourget, B-o-u-r-g-e-t.

3 I'm the president of Bourget's Bike Works,

4 and I'm a member of the ASA. I've been doing that for 20

5 years. I have a family. We do this as a family sport.

6 And you need to consider all the points and

7 decisions and every aspect of your plan. Remember, this

8 has been a public recreation area for decades.

9 In the economy, there are 65 sand car

10 manufacturers that employ people, RV motor home industry,

11 trailers, retail services, parks, clothing, fuel. It's

12 tens of millions of dollars a year.

13 Myself -- I have at least in my business

14 and in my personal sand toys worth two to three million

15 dollars, so you can imagine how much money is involved in

16 the whole industry.

17 Quality family time: People need a place

18 to recreate. That's the bottom line. It's been their

19 recreation place for years.

20 You can't judge everybody together. We

21 don't destroy plants and animals. We pack out more than

22 we bring in. We respect the BLM rangers, and we help

23 them if we can when we need to. We use our safety

24 equipment.

25 Basically, the bottom line is "What's next?"

1 Where's everything going to go from here? Are you going

2 to start fishing and hunting? Are we going to drive on

3 the road and worry about insects coming off our

4 windshields? Boating? Jet skiing?"

5 This is how the people of America work. We

6 work hard. We like to play hard. And we enjoy the sand

7 dunes and so do thousands and thousands of people as you

8 guys know. We need to leave it open if we possibly can.

9 The alcohol -- I agree the alcohol is a

10 problem out there, and I think you guys should have a

11 zero tolerance.

12 And the bottom line for me is: Save the

13 humans.

14 MR. MICHAELSON: I'd like to read the next

15 five: Jerry Klingensmith, Cliff Waters, Cortni Ramirez,

16 Steve Ware, and Ray Lime Cooler.

17 Tiffany Bourget.

18 MS. BOURGET: My name is Tiffany Bourget,

19 and I just turned 13, and I don't understand a lot of the

20 things that you guys said.

21 But the sand dunes, to me, is like Disney

22 Land. We wouldn't want to be anywhere else. We have

23 courtesy. We don't just go out there and trash it like a

24 lot of people think that we do. It's just a fun place to

25 hang out. My family and I've been going out there since

1 I was eight, and I love to just feel the wind on my face.

2 And it's going to be a shame if you guys close it down.

3 Thank you.

4 MR. MICHAELSON: Jerry Klingensmith.

5 MR. KLINGENSMITH: My name is Jerry

6 Klingensmith, K-l-i-n-g-e-n-s-m-i-t-h.

7 Thank you for letting me talk to you

8 tonight.

9 I just want to let the people know that for

10 the few that make it bad for everybody, it doesn't matter

11 whether we're at the lake or the dunes or dirt biking in

12 the desert. I enjoy doing all of them, and I do recreate

13 in all those places. And it's just sad that the

14 lawlessness of a few have such an effect on the rest of

15 us here.

16 Undoubtedly, just the law enforcement needs

17 to be addressed. And if the law enforcement is addressed

18 and the things that are existing there now are taken care

19 of, we shouldn't need a ban from dusk to dawn. We

20 shouldn't need alcohol bans out of camp if alcohol is
21 controlled. Alcohol is a problem out there. Control the
22 alcohol problem and 90 percent of the problems will go
23 away.

24 Thank you for letting me tell it.

25 MR. MICHAELSON: Cliff Waters.

1 MR. WATERS: This is a little different.

2 My name -- or I'm actually speaking for Ken Borggs who is

3 at the hospital with his wife who is having a baby girl.

4 He will be taking his little girl to the dunes some day.

5 But he -- he's the owner of Ken's

6 Cycletech. He actually dropped this by on the way to my

7 house and asked me to speak on his behalf, so I apologize

8 that Ken can't speak, but he found it important enough to

9 be heard tonight.

10 Ken's business caters to the dunes with a

11 large array of services and products. His company has

12 been doing business for the past two years and has four

13 employees and relies on the dunes for 80 percent of its

14 income.

15 The EIS does not accurately reflect the

16 socioeconomics of his company and more specifically

17 companies like mine. I would suggest revisiting the

18 socioeconomics to get a more accurate and complete impact

19 statement.

20 Nearly all the components used to build

21 these sand vehicles are OHVs and are manufactured in this

22 county. And any private purchases outside this county

23 come from the California counties -- not including the

24 Imperial County.

25 The economic impact on RVs, trucks, and

62

1 trailer sales, services, and parts has not been

2 considered in the Draft EIS. This is a serious and

3 significant omission.

4 Thank you.

5 MS. RAMIREZ: Good evening.

6 My name is Cortni Ramirez. I'm affiliated

7 with the American Sand Association. I'm the

8 Glendale-Peoria representative. I'm also associated with

9 the United States of America, which is -- I thought it

10 was a free country. We are entitled to use our public

11 lands.

12 One thing I would like to point out is that

13 any program that would be implemented to require user

14 permits and/or user fees must apply to all the users to

15 avoid discrimination claims. This must be included in

16 the northern Algodones dune areas.

17 Also, I believe the economic impact has not

18 been included or intentionally ignored. I personally

19 know people that collectively have millions of dollars

20 invested in their toys, trucks, and trailers. Some of my

21 businesses that I visit rely solely upon the dunes areas.

22 I also visit Midway Chevrolet in Phoenix, and I know that

23 they do a large volume of truck sales. And some of the

24 gentlemen go out to the dunes.

25 I support the preferred alternative. I

- 1 believe that there are some problems with it though. I
- 2 don't think that the sundown to sunup closure is fair,
- 3 but you know may be we can work with some time limit
- 4 instead of leaving it open all night.
- 5 I would like to thank the BLM.
- 6 I didn't have the opportunity to go out for
- 7 Easter, but I did go up last Thanksgiving. And there's a
- 8 huge difference in the implementation of the

9 zero-tolerance programs, and I'd like to personally thank

10 you all.

11 Thank you.

12 MR. MICHAELSON: Steve Ware.

13 And if you didn't hear my announcement

14 about cell phones or pagers, I'd appreciate it if you

15 turned it off.

16 MR. WARE: Steve Ware, W-a-r-e.

17 This is the draft plan. It's not as big as

18 the tax code, but I guess it's pretty close considering

19 the day.

20 I want to thank you guys for all of the

21 input. I know it's been a lot of work. It looks like

22 you put a lot of thought and preparation into this, and I

23 think most of the ideas have a lot of merit. You guys

24 are really trying to fix the problems out there.

25 However, some of the ideas I feel should be

1 reconsidered. But the good ideas -- more law
2 enforcement -- to go ahead and make all the regulations
3 that are out there now be in compliance. Keeping the
4 alcohol out of the dunes except in camp might be a good
5 idea except I think you are punishing a significant
6 amount of people who aren't the problem. But I think you
7 guys do need help in implementing the no-alcohol outside
8 of camp.

9 I think that shutting down the hills from
10 sundown to sunup -- I think that would probably do away
11 with a significant amount of the problem out there.

12 But I guess the main point I want to make

13 tonight is the restrictive adaptive management area which
14 limits the use of 48,000 acres between Interstate 8 and
15 Glamis. And that area is usually lightly traveled from
16 both of those areas.

17 I think that this closure is originally
18 based on a closed-minded narrow view of trying to close
19 off all of the dunes to motorized activity, and I think
20 it represents a narrow-minded negativity of the
21 environmentalists who have represented the White House
22 for most of the last ten years. And we should reopen the
23 temporarily-closed section of the dunes to normal use,

24 and I think that would have no impact on the

25 environmentalists.

65

1 MR. MICHAELSON: Your two minutes are up.

2 MR. WARE: Thank you for your time.

3 MR. MICHAELSON: I would like to announce

4 the next five people: Randi Weinstein, John Hartman,

5 Justin Smith, Jim Cunningham, and Karl Skidmore.

6 MR. KOOLER: My name is Ray Lime Kooler.

7 I don't support any of the alternatives

8 that the BLM has laid out in the EIS. I don't think they

9 go far enough in considering the wildlife and the plant

10 species that inhabit that area.

11 I think the BLM is ignoring the concept of

12 multiple use by creating a plan that only favors the

13 off-road vehicle industry. You're concerned about

14 driving out other people, like myself, who like to hike

15 and who like to camp. There will be more garbage and

16 more pollution out in the wild land.

17 Furthermore, I think it's interesting to

18 note that the scientific basis for the reopening of these

19 areas have been closed. Contrary to what Mr. Botanist

20 has cited, off-road vehicle use has a major impact on the

21 vegetation and other types of species that are out there.

22 I also agree as those people have pointed

23 out that in order to protect these species, large tracks

24 of land to promote migration have to be protected as

25 well -- not just in the wilderness area but out in the

1 dunes as well.

2 Furthermore, I believe that the law

3 enforcement aspect of it is just ridiculous. I think

4 it's a waste. I think it would bring more rangers in

5 from other areas just to baby-sit people who can't govern

6 themselves in a respectable fashion out in the dunes.

7 MR. MICHAELSON: I know the court reporter

8 is having a hard time keeping up with a couple of

9 speakers. So if you are going a little too fast, I may

10 ask you to slow down so that she can capture it.

11 The next speaker is Randi Weinstein.

12 MS. WEINSTEIN: Hi. I'm Randi Weinstein,

13 and I wanted to thank you for this opportunity for

14 letting me speak to you.

15 I'm a member of the ASA, and I'm also an

16 editor of a Tucson newsletter. So I wanted to thank you

17 for this opportunity because you're helping me educate my

18 fellow OHV users, my family, and my friends about a

19 process that goes into developing and implementing this

20 plan.

21 I'm in favor of recreational opportunity
22 for the public, and I just wanted to address a couple of
23 concerns that identify some issues in the draft. And
24 that's basically that I'm concerned about how resources
25 are allocated for enforcing existing rules and

1 regulations. If you implement and develop new rules and

2 regulations, such as the curfews, this may take away from
3 the resources for enforcing those other rules.

4 I think it's really important that there
5 are people out there to help enforce and to make sure
6 that there are no open containers out there when people
7 are driving around and trying to limit the public
8 intoxication.

9 You can help turn off people who are coming
10 out there to have fun and cause trouble. And instead,
11 the people who go out there will be the people who are
12 really interested in having a fun and family-oriented

13 experience.

14 Another issue about this is the curfew and

15 some of the other hills. When I've been out there in

16 places, there's only been a couple of people. So I'm not

17 really sure that this curfew is necessary.

18 It's not really clear how these curfews

19 would be removed. There's no concrete information in the

20 plan about what the limits are and how those curfews

21 would be removed, so I would encourage you to put more

22 concrete information into the plan so there could be some

23 kind of public comment on those plans.

24 MR. MICHAELSON: Your time is up.

25 Thank you.

68

1 MR. HARTMAN: H-a-r-t-m-a-n.

2 I wanted to talk about the visitor capacity

3 limits and how they're derived in the plan. My

4 understanding from reading the draft is that they are

5 based solely upon camping capacity.

6 But I think that the draft really
7 underestimates the current impact of the various
8 campgrounds. I'm really only familiar with the washes
9 because that's where I camp.

10 But the current draft shows that each
11 campsite would be three acres with six vehicles and 3.5
12 people per vehicle. In our group alone, we often have
13 ten to 15 vehicles. And I would estimate three to four
14 people per vehicle, and we're camped in a circle that
15 really can't be more than an acre. So I don't know if
16 the plan here is to reduce the density of the camping

17 along the wash. I know it wasn't asked about it.

18 I have no problem with the current density.

19 I don't go to the dunes for a wilderness camping

20 experience. I go there to camp there because it's

21 necessary to go out there to do the duning. If I want a

22 wilderness-camping experience, I go backpacking.

23 So I would suggest revisiting the camping

24 densities because that's the sole fact that determines

25 the number of visitors.

1 And I understand that there are these ROS
2 levels, and the Glamis washes have fallen into a
3 particular category. You might think about moving it to
4 a different category that would more accurately reflect
5 the current densities there.

6 Thank you.

7 MR. MICHAELSON: Justin Smith.

8 MR. SMITH: Hello. My name is Justin
9 Smith, and I'm the owner of Frederick Sand Cars here in

10 Phoenix.

11 One of my largest concerns here is the

12 economic issues. We have a serious amount of dollars

13 invested by companies such as myself, by people, and

14 customers of mine, and people who go out to the dunes.

15 But I don't know that anybody has taken into

16 consideration. I have 22 employees. I also have seven

17 dealers in seven states. The employees at these

18 different places rely on us to do what we're doing. We

19 also used parks from every state as well as even other

20 countries in building the products that we make.

21 Some of the customers that I have --

22 especially the ones I know personally can easily have
23 200,000 to \$600,000 in their riggs and other things that
24 they use to enjoy the dunes with their families. And if
25 we were to lose the dunes, where would they go? What

1 would those dollars be turned into?

2 I think that would be a serious impact

3 economically for those people; myself, as a business
4 owner; and other business owners who are represented
5 here.

6 Listen to some of the evidence presented.

7 We have a botanist who tells you exactly what he sees:

8 That things are doing well. And what better place than
9 the dunes to use off-road use? Some places you may see
10 damage such as trails or trees. One good wind after a
11 big weekend at the dunes and you would see nothing but
12 the dunes. We can continue to go.

13 Thank you.

14 MR. CUNNINGHAM: My name is Jim Cunningham,

15 and I would like to speak about the lack of focus on

16 humans and socioeconomic issues by the study.

17 Ninety-five percent of my business is

18 directly related to sandhill recreation. The average

19 parts and purchases including services annually is about

20 95,000. The annual expenses about 32,000 spent on local

21 infrastructure. Over a five-year period, that represents

22 about 635,000. The property taxes of five years 10,000.

23 We have got sales taxes paid over a five-year period,

24 35,000.

25 I have been active in a custom base of 200

1 users in the Imperial Sand Dunes Recreation Area, and the
2 average recreational vehicle cost for a truck and a
3 trailer will figure at about 40,000 bucks. This does not
4 include the \$100,000 motor homes.

5 However over a five-year period, that
6 represents just my shop -- maybe about \$137,000 per year.

7 Reportedly, anywhere from 50 to 100,000

8 plus people visit the Imperial Sand Dunes Recreational

9 Area on a major holiday. Let's say 500 of those on an

10 average weekend 12 times a year are represented by my

11 shop. That is approximately \$30,000 over a five-year

12 period, and that adds up to a million dollars of

13 approximately adding to the economic base.

14 I have a two-man shop.

15 MR. MICHAELSON: I'm sorry, Mr. Cunningham,

16 your time is up.

17 Thank you.

18 I'd like to read the next five speakers:

19 Michael Raasch, Matt Valenzuela, Joe West, Arrian Wissel,

20 and Andrew Delage.

21 Please come sit in the front row here on my

22 right.

23 MR. SKIDMORE: My name is Karl Skidmore. I

24 have a company in Phoenix: One in Mesa. I have about 19

25 employees that work for me. I've been around since '77

1 in Phoenix and '84 in Mesa. All of my employees are all
2 dune enthusiasts. They go to the dunes and have a good
3 time and play around out there.

4 It's going to affect my business, the
5 people that work for me, the economy around us, and stuff
6 like that. And I don't think it's a good decision to do
7 anymore closures.

8 In listening to the people talking tonight,
9 I feel like there's a left hand saying "We want control
10 over people, places, and things."

11 And then there's another group over here

12 that says "We are powerless over people, places, and

13 things, but we're willing to work together."

14 And I just see there are no negative and

15 real open-minded people over here trying to work together

16 to keep this thing going. And the negativeness -- I just

17 don't understand it.

18 But I would hope that you people would take

19 into consideration the impact that it would have to all

20 the companies around here that work to support the people

21 who go to the sand dunes and trailer companies and

22 insurance companies.

23 Pretty much everything else has been said,

24 but there's a lot of things that need to be taken into

25 consideration.

73

1 Thank you.

2 MR. MICHAELSON: Michael Raasch.

3 MR. RAASCH: My name is Michael Raasch, and

4 I am an active off-roader and love going to the dunes.

5 There is no other feeling in the world than

6 being on top of a sand dune out in the middle of a

7 desert. If it's closed off for the OHVs, then you won't

8 ever get to have that feeling because you can't hike into

9 the middle of a sand dune and live to tell about it.

10 There are just some points that I want to

11 point out on that I've had feelings for a long time on.

12 I love animals. I love plants. I never destroy them. I

13 never run over them. Actually I try to save them.

14 Actually this last weekend, I tried to help a little baby

15 bird that fell out of his nest.

16 But there are problems with, like, people

17 littering out there and probably the alcohol corruption

18 and stuff, but that needs to be taken care of. There

19 should be heavy fines for littering and being abusive to

20 the land for killing any trees, lighting them on fire.

21 Constantly I go off-roading almost every

22 single weekend out of the year, and I am constantly

23 having to yell at people for littering. I pick up way

24 more than I ever brought in. We can all enjoy the

25 off-road land that we have.

1 There are some other things I'd like to
2 point out. It's funny how it's okay for everyone to flip
3 the land upside down and kill everything in our path for
4 houses, businesses, government buildings. We see that
5 big time here in Phoenix, but it's not okay to have some
6 small trails in the desert. There is already a large

7 area being closed off.

8 These items should be voted on. Each item

9 should be voted on and not just as a whole including

10 Arizona and California because that's where most of the

11 people are who use the sand dunes.

12 MR. MICHAELSON: Mr. Raasch, your two

13 minutes are up. Thank you.

14 I will mention that we are nearing the end

15 of the speaker cards that I have. And when we do, we'll

16 invite anyone else who hasn't filled one out to do so.

17 When we've exhausted all of the first timers, we'll take

18 a very short recess and then we'll have people who would

19 like to come back and speak for a second time. They'll

20 have the ability to do that.

21 The next speaker is Matt Valenzuela.

22 MR. VALENZUELA: Ladies and gentlemen on

23 the panel, my name is Matt Valenzuela. I'm from Peoria,

24 Arizona.

25 Much has been made tonight about the lack

1 of scientific evidence regarding the opening of the
2 currently temporarily closed areas. I would submit to
3 you that there's an astonishing lack of scientific
4 evidence supporting their closure.

5 It is the policy of the BLM to use the best
6 science available when determining these types of items.

7 Secondly, in the Draft Recreational
8 Management Plan, there are provisions for the closure of
9 the dunes. I would submit to the panel that if the
10 remaining dunes were left open on an unrestricted basis,

11 that these closures would be unnecessary for two reasons:

12 No. 1, the density seen at these locations would not be

13 present.

14 No. 2, that in combination with an

15 aggressive law enforcement approach, it would eliminate

16 most of these problems.

17 Something that has largely been overlooked

18 by a number of the speakers is the presence of

19 approximately 47,000 acres in this area north of

20 Highway 78. This area has been closed for several years

21 to off-road vehicle traffic and is currently open only to

22 foot traffic. This area is available to those who wish

23 to have the opportunity.

24 In closing, I would like to make a comment

25 about the bullying issue that was made mention of

1 earlier. I think the bullies have clearly identified

2 themselves tonight by the needless attack on the

3 integrity of the respected scientist.

4 Thank you.

5 MR. MICHAELSON: The next speaker is Joe

6 West.

7 Maybe Mr. West had to leave. I'll call his

8 name again at the end.

9 Arrian Wissel.

10 MS. WISSEL: Arrian Wissel, W-i-s-s-e-l.

11 I would just like to comment on a few

12 things. I support the comments made by Sandy Bahr and

13 other speakers who have spoken, but I don't remember

14 their names.

15 I do support those who participate in
16 OHVing, but I do also support educated choices in where
17 they chose to recreate.

18 The other thing I'd like to say is that we
19 don't understand necessarily our biological environment,
20 obviously, if we've got conflicting reports by scientists
21 or we don't have enough evidence to support what is
22 important and what isn't important.

23 So take that into consideration. We won't
24 know unless we allow the environment to stay as is and
25 unless we preserve what we do have already. I think that

1 is significant.

2 I hope we can come to an agreement.

3 Thank you.

4 MR. MICHAELSON: Andrew Delage.

5 MR. DELAGE: Hi. I'm Andrew Delage,

6 D-e-l-a-g-e.

7 Thank you for allowing me to exercise my

8 very American right to voice my opinion. I think that
9 you are off to a very good start in developing a balanced
10 draft.

11 I have three points. One, with regard to
12 the current fifty-fifty closure agreement, it has been
13 referred to as the current plan. It is not a plan. It
14 is the result of a lawsuit for which I believe there was
15 insufficient scientific data to support.

16 No. 2, with regard to using triggers, I ask
17 that these triggers be kept simple and straight forward,
18 that there be no hidden triggers or obscure triggers.

19 No. 3, with regard to the closing

20 popularity from sunset to sunrise, I believe that the BLM

21 or other law enforcement agencies already have the

22 ability to do so. But I don't think it's necessary to

23 complicate a new draft with specifically stating any new

24 closures.

25 Thank you.

1 MR. MICHAELSON: The next speakers are Andy
2 Zimmerle and Bob Fitzpatrick. And I'll announce Joe West
3 in case he was out temporarily.

4 Mr. Zimmerle?

5 MR. ZIMMERLE: My name is Andy Zimmerle,
6 Z-i-m-m-e-r-l-e.

7 Consecutive Thanksgivings from '95 to '99 I
8 vacationed in the dune area. And one of the most
9 memorable experiences I had was traveling from star
10 navigation. We did it at night and during the day during
11 the weekend. So I got to see it early on Thursday and

12 late on Saturday night. Both times we saw no other
13 tracks other than our own, and I don't know if anybody
14 else chose the path that we chose, but we saw no other
15 tracks.

16 None of us had an occasion to run over any
17 plants. They're so few and far between that there's no
18 real reason to run over anything. You can avoid them
19 easily and we intentionally do.

20 We found trash throughout the desert. And
21 there must have been at least six of us at onetime, and
22 we all filled our jeeps with as much trash as we could
23 and carried out a lot of stuff.

24 I believe that enough of the dunes are

25 closed already. The current closure is based on -- as I

79

1 understand -- is based on drought years. I don't know if

2 this is the case, but it's what I heard.

3 If all the other users are forced into

4 concentrated areas, the smog levels are sure to increase.

5 The current plan looks more like a divide-and-conquer
6 scheme.

7 MR. MICHAELSON: Your time is up.

8 Thank you.

9 I'd like to remind everybody that oral
10 comments are only one way to offer your comments, and we
11 are sure that more detailed ones can be provided in
12 written form and they're given the same weight and
13 consideration.

14 Mr. Fitzpatrick.

15 MR. FITZPATRICK: My name is Bob

16 Fitzpatrick, and I have been a duner for 20 years. I'm a

17 member of the ASA.

18 And as far as the plant life, it seems to

19 be one of the major concerns. The plants have been taking

20 the dunes back over, and I haven't heard anybody comment

21 on this. But now you can't even get in there anymore

22 because the plants have taken it over. And now most of

23 it is closed, but it doesn't seem to make any difference.

24 As far as your other plants up in the

25 dunes, you very seldom ever see anything up there because

1 the sand shifts too much. They don't have time to do
2 anything.

3 In the lower areas, we've seen years where
4 the valleys are just totally green. Some years they're
5 barren. There is more plant life there now than there
6 was ten years ago. It seems like the plants are taking
7 more or more. It has to do with the cycle of the
8 weather.

9 But I haven't really seen where the

10 vehicles have had much impact in the overall scope of

11 things. Yes, there is the high-use areas that do get a

12 lot of beating. But I think overall, the plants are

13 almost winning in a lot of the areas.

14 MR. MICHAELSON: Thank you.

15 Is Joe West here?

16 Okay. Is there anyone else who has turned

17 in their card in the last couple of minutes?

18 If not, I already have two cards where

19 people would like to come a second time.

20 We're going to take a very brief -- no more

21 than a ten-minute recess.

22 If someone else would like to have a second

23 opportunity, please go back and get a green card. Fill

24 it out again, and I'll call on you, and you'll have five

25 more minutes.

2 p.m. to 9:30 p.m.)

3 MR. MICHAELSON: If I could ask everyone to

4 take their seats again. We'd like to go ahead and get

5 started so if you would please take your seats.

6 I have three cards that have been turned

7 into me before and during recess. These individuals will

8 have up to five minutes. If I need to, I will put the

9 30-second timing in after four and a half minutes. And

10 again, if you'll come and sit in the speaking area, I'd

11 appreciate it.

12 The names are Cortni Ramirez, Julie Monroe,

13 and Greg Gorman.

14 MS. RAMIREZ: My name is Cortni Ramirez

15 again, and I know there's not very many of us left here.

16 And I wanted to say this before but I forgot.

17 One thing that is important is we're going

18 to have the ASA sponsor coming up about the EIS and the

19 whole draft, and we'd like to have everyone come. But

20 that's real important.

21 One other thing I'd like to say is at the

22 beginning, the closures were temporary. And a lot of

23 these people that come before said the current plan is in

24 effect. And the closures were always temporary, and it

25 was based on bad science.

82

1 And that's about all I wanted to say.

2 Again, thank you, BLM, for all of your help

3 and support.

4 MR. MICHAELSON: Thank you.

5 Julie Monroe.

6 MS. MONROE: Hello. My name is Julie

7 Monroe.

8 There was this one other thing that I had

9 hoped to find the information in the EIS so that I could

10 refer to the chapter and page that it was on.

11 But that had to do with the assumption that

12 BLM was making regarding the number of visitors to the

13 dunes. And I know I read that they were basing that on

14 3.5 visitors per vehicle, and that was something. I know

15 I've dealt with many groups of people both off-road

16 groups and just friends.

17 I know traditionally the groups that we've
18 gone out with and I've seen it very much is that a lot of
19 times we are out with either single people or people who
20 have one other person with them -- usually their
21 spouses -- in the vehicle with them.

22 Based on that -- and my concern being that
23 those numbers are then what are figuring out to be the
24 55,000 and where we're getting the trigger for the
25 possibility of restrictions.

1 If you're basing it on a set number of
2 vehicles and 3.5 people per vehicle, I don't see -- I
3 could see where that number could be much higher. I
4 think one of the reasons why suddenly this number came up
5 with 175,000 visitors over the last Thanksgiving weekend
6 was because that number seems really high.

7 The only possible alternative to that is
8 looking at the possibility of actually having someone --
9 if this is something that we're going to be basing these

10 numbers on and the possible restrictions to the dunes

11 based on this, I would ask that there be someone posted

12 at the areas near the three major roads going in and that

13 are asking how many people there are in each vehicle.

14 So we do that for a year or two and

15 actually see what the average is. If the average is 3.5

16 or if the average is closer to 3.2 because even if it's

17 3.5 people per vehicle at .5 times 20,000 vehicles,

18 you're talking about a difference of 10,000 people. That

19 10,000 people might be enough to keep us from triggering

20 days that are considered over capacity.

21 There was another part about that, but I

22 forgot.

23 Thank you again. And thank you for giving

24 me the chance to speak again.

25 MR. MICHAELSON: Thank you.

1 Greg Gorman.

2 MR. GORMAN: My name is Greg Gorman and I'm

3 back again. I'm a sales guy by profession, so you can't

4 give a sales guy five more minutes because they'll use

5 it.

6 I don't have a financial stake in the

7 success of this. I'm not an off-road business man, but I

8 spend a lot of money because my kids keep wrecking their

9 quads.

10 I could probably take the whole time up

11 going page-by-page through my comments, but like I said,

12 I'm going to write those up. But there are a couple of

13 others that I think are significant that we probably all

14 need to consider.

15 And first of all, I know I said this prior,

16 but I want to say I appreciate the amount of work that

17 everybody put into this. I know all of you guys worked

18 really hard. It looks good, and there's a lot of

19 information in here.

20 I also appreciate the additional law

21 enforcement that's been going on out there. I know Bob

22 and his guys have been working really hard. They have

23 stopped by my camp several times once because we were

24 shining 101 Dalmations on the side of our camper, and

25 they were wondering what that was.

1 Well, I got to meet a lot of really nice
2 rangers, and it was a lot of fun. So I appreciate that.
3 I have a few more. But on Chapter 3,
4 Page 31, you referenced an Eco Report. And I know in
5 other publications it already has been deemed not a very
6 good report, so I want you to take a look at that.

7 In Chapter 4, Page 29 in the EIS, you're

8 assuming that trip expenditures for an OHV visit versus a

9 hiking visit would be the same. And I probably would

10 disagree. I know just for me we run 25 gallons of extra

11 fuel, and I drive -- we've got a 3500 pound trailer when

12 it's fully loaded. So our gas mileage is significantly

13 less, and we bring a lot more food in than we would

14 probably if we were camping or hiking. So I'm not sure

15 about that assumption. That might be something to be

16 looked at.

17 I'll save that one for later.

18 That's all I really want to cover. I

19 appreciate all you guys here. I also want to invite

20 you -- if you would like and if you're in town -- to come

21 to one of our meetings. You guys are always welcome to

22 come in just as a casual observer or just Joe citizen or

23 as a representative of the BLM. We'd be more than happy

24 to have you along.

25 We're going to have three meetings in the

1 San Diego area, and I think I've got one or two more in

2 LA -- at least one up there. So you guys are all

3 welcome, and I appreciate the time.

4 Thank you very much.

5 MR. MICHAELSON: All right. That brings us

6 to the end of the cards that have been turned in.

7 I want to thank everyone for your

8 cooperation and for making this a respectful and really

9 outstanding example of people being able to exercise

10 their first amendment rights in this country.

11 I would like to ask Roxie to make closing

12 remarks.

13 MS. TROST: I too want to thank you all for

14 your cooperation here tonight.

15 By the time we do San Diego, I think we'll

16 have the public-meeting-thing figured out.

17 You're supposed to laugh.

18 I just wanted to remind everyone that if

19 you're timid and you didn't feel comfortable standing up

20 here tonight that there are other ways that you can

21 comment as well. And that's by E-mail with the E-mail

22 address that was handed out to everyone and by the US

23 Postal Service.

24 You're going a long way in helping us get

25 to our final document. We realize that we're not there

87

1 yet, and it's with your help that it's going to help get

2 us there.

3 I also want to remind you that we have

4 three more meetings. Next week we'll be in Yuma and then

5 San Diego.

6 Thanks for toughing it out for those of you

7 that remained. And have a safe drive home.

8 Thank you.

9 MR. MICHAELSON: Thank you.

10 MS. ELSER: To the small group of you that

11 are left -- just a near fraction of this I addressed at

12 the opening of the meeting tonight; for myself, as the

13 Acting Manager of the California desert, I just want to

14 thank you for taking the time to be here and if you would

15 please take that back for those who weren't with you

16 tonight.

17 I know that it's not always an easy thing

18 to say what you really feel in front of such a large

19 group of people, and it's not always easy to hear what

20 you don't want to hear. But I want to thank you all that

21 were here tonight, and please share with your friends

22 that were here that I thought you did a remarkable job of

23 listening and being supportive. And the BLM really

24 appreciates your time, and I appreciate it.

25 Thank you.

1

2

3 (WHEREUPON, the hearing concluded at 9:40

4 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF ARIZONA)

) ss.

2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing hearing was

5 taken by me, LORENA K. WAGNER, a Notary Public in and for

6 the County of Maricopa, State of Arizona; that the

7 foregoing pages are a true and correct transcript of all

8 proceedings had upon the taking of said hearing, all done

9 to the best of my skill and ability.

10 I FURTHER CERTIFY that I am in no way

11 related to any of the parties hereto, nor am I in any way

12 interested in the outcome hereof.

13 DATED at Phoenix, Arizona, this 25th day of

14 April, 2002.

15

16

17

CERTIFIED COURT REPORTER, NO. 50556

18

19 My Commission Expires:

20 August 23, 2002

21

22

23

24

25